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10/524,276	02/11/2005	Gabriel Ilan	28686	9993

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Martin Moynihan
Anthony Castorina
Suite 207
2001 Jefferson Davis Highway
Arlington, VA 22202

EXAMINER

NATNAEL, PAULO M.

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,276

Applicant(s)

ILAN ET AL.

Examiner

Paulos M. Natnael

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,37,43-45 and 47-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-45 and 47-73 is/are allowed.
- 6) ☒ Claim(s) 35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Due to a newly found prior art reference, the allowability of claims 35 and 37 has been withdrawn. Examiner regrets any inconvenience this may cause the applicant.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim **35** rejected under 35 U.S.C. 102(b) as being anticipated by Kirkpatrick, U.S. 4,958,064.

Kirkpatrick discloses a bar code locator for video scanner/reader system comprising a bar codes with locator patterns 12, video camera 22, and digital computer 18 which digitizes the video signal 20. *See, Figs. 1, 3, 6, 9-11; Col. 4, line 18.*

Kirkpatrick discloses: The reader/scanner system 10 utilizes a digital computer 18 which digitizes a video signal 20 generated by a scanning camera 22 for detecting and reading bar code information within the scanning field of the camera 22. The controlled access operation involves locating and capturing the image of bar code data carried by the automobile with the video camera 22, digitizing the bar code video signal 20, processing that data in the digital data computer 18, comparing the bar code data with information contained within a master data base file for verification, and then granting or

denying access." (*Col. 4, lines 25-35*) Kirkpatrick discloses that "a further limitation on the acquisition of bar code targets carried by moving objects within a scanning field is that at distances exceeding four to five feet, most bar codes are not readable by commercially available video cameras having fixed focal length lenses. That is, for bar code targets presented at a distance greater than the focal length of the scanning lens, the narrow bar elements cannot be detected since their optical resolution is less than one pixel in width. Accordingly, a substantial delay in target bar code acquisition will be experienced until such time as the moving carrier object traverses the scanning zone within the focus range of the scanning lens." *See, Col. 2, lines 20-32; col. 5, lines 38+; Figs. 3, 6, 8.*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkpatrick, U.S. 4,958,064.

Kirkpatrick discloses all claimed subject matter as shown above in the rejection of claim 35. Kirkpatrick however does not specifically disclose the data detector comprises a software update for a corresponding decoding device. However, updating a software on a decoding device is well known in the art. Kirkpatrick uses software for performing

pattern recognition (processor 52) and as well as operating software. See, Col. 6, lines 35+. Furthermore, the set-top box (STB) for example is well known in that it's used routinely not only to receive television broadcasting signals including video and audio signals, but it also receives ancillary data such as for upgrading or updating the software/firmware in the set-top box itself, the television receiver, or other devices. Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kirkpatrick by providing a software update for the computer 18 operating software in order to manipulate the camera through the computer.

Allowable Subject Matter

6. Claims **43-45, 47-73** are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the following combinations of limitations: apparatus for decoding data encoded optically within a defined region of a visual image of a video signal, said apparatus comprising: an optical detector for optical detection of said image, an encoded region determination unit for determining, from output of said optical detector, boundaries of said defined region within said scanned image, and a data decoder associated with said encoded region determination unit for decoding data received at said optical detector that is determined to be within said defined region, further comprising a printer associated with an output of said data decoder, for printing out decoded data, as in claim 43.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paulos M. Natnael
Primary Patent Examiner
Art Unit 2622

January 28, 2008